

1 BEFORE THE
2 ILLINOIS COMMERCE COMMISSION

3 ILLINOIS COMMERCE COMMISSION) DOCKET NO.
4 On Its Own Motion) 03-0702
5 -vs-)
6 MT. CARMEL PUBLIC UTILITY COMPANY)
7)
8 Reconciliation of revenues collected))
9 under gas adjustment charges with))
10 actual costs prudently incurred.))

11 Springfield, Illinois
12 January 11, 2005

13 Met, pursuant to notice, at 9:30 a.m.

14 BEFORE:

15 MR. JOHN ALBERS, Administrative Law Judge

16 APPEARANCES:

17 MR. ERIC BRAMLET
18 Koger & Bramlet, P.C.
19 316 1/2 Market Street
20 P.O. Box 278
21 Mt. Carmel, Illinois 62863-0220

22 (Appearing on behalf of Mt. Carmel Public
 Utility Company via teleconference)

23 SULLIVAN REPORTING COMPANY, by
24 Carla J. Boehl, Reporter
25 Ln. #084-002710

1 APPEARANCES: (Cont'd)

2 MR. BILL L. VOSS
3 Financial Analysis Division
4 527 East Capitol Avenue
5 Springfield, Illinois 62701

6 (Appearing on behalf of Staff of the
7 Illinois Commerce Commission)

8 MR. MARK MAPLE
9 Energy Division
10 527 East Capitol Avenue
11 Springfield, Illinois 62701

12 (Appearing on behalf of Staff of the
13 Illinois Commerce Commission)

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I N D E X

<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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PHILIP BARNHARD IV				
By Mr. Bramlet	19			

I N D E X

<u>EXHIBITS</u>	<u>MARKED</u>	<u>ADMITTED</u>
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Mt. Carmel 1.0, 1.1	e-Docket	22
Mt. Carmel 2.0	17	22
ICC Staff 1.0	e-Docket	24
ICC Staff 2.0	e-Docket	25

PROCEEDINGS

(Whereupon Mt. Carmel Exhibit 2.0 was
marked for purposes of
identification as of
this date.)

JUDGE ALBERS: By the authority vested in me by
the Illinois Commerce Commission, I now call Docket
Number 03-0702. This docket was initiated by the
Commerce Commission on its own motion against Mt.
Carmel Public Utility Company for the purpose of
reconciling revenues collected under the gas
adjustment charge with actual costs prudently
incurred.

May I have the appearances for the record,
please?

MR. BRAMLET: My name is Eric Bramlet. I am
appearing on behalf of Mt. Carmel Public Utility
Company. My mailing address is P.O. Box 278, Mt.
Carmel, Illinois 62863.

MR. VOSS: Bill Voss appearing on behalf of the
Financial Analysis Division of the Illinois Commerce
Commission. My business address is 527 East Capitol

1 Avenue 62701. My business telephone number is area
2 code (217) 782-2061. My e-mail address is
3 bvos@icc.state.il.us.

4 MR. MAPLE: Mark Maple appearing on behalf of
5 the Engineering Division of the Energy Division of
6 the Illinois Commerce Commission, 527 East Capitol
7 Avenue, Springfield, Illinois 62701. My telephone
8 number is (217) 785-3403.

9 JUDGE ALBERS: Thank you. Let the record
10 reflect that there are no others wishing to enter an
11 appearance.

12 I am not aware of any preliminary matters
13 but if any of you gentlemen have anything you would
14 like to bring up, please do so.

15 Okay. Moving on then, the purpose of
16 today's hearing is to admit into evidence the
17 previously filed testimony and to hear any cross
18 exam that may need to be done. Mr. Bramlet, would
19 you like to go first?

20 MR. BRAMLET: Yes, we would call Mr. Philip
21 Barnhard to the stand and would ask that you swear
22 him in.

1 JUDGE ALBERS: Mr. Barnhard, could you please
2 stand and raise your right hand, and Mr. Voss and
3 Mr. Maple, I will do you all at once.

4 (Whereupon the three
5 witnesses were duly
6 sworn by Judge Albers.)

7 PHILIP BARNHARD, IV
8 called as a Witness on behalf of Mt. Carmel Public
9 Utility Company, having been first duly sworn, was
10 examined and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. BRAMLET:

13 Q. Mr. Barnhard, would you please state your
14 full name and business address for the record.

15 A. My name is Philip Barnhard, IV. My
16 business address is Mt. Carmel Public Utility
17 Company, 316 Market Street, P.O. Box 220, Mt.
18 Carmel, Illinois 62863. Phone number is
19 618/262-51 --

20 Q. Mr. Barnhard, have you filed prepared
21 written testimony in this docket?

22 A. I have.

1 Q. This has been marked as Mt. Carmel Exhibit
2 1.0. Did you prepare Mt. Carmel Exhibit 1.0?

3 A. (No answer.)

4 Q. Is the information contained in Exhibit 1.0
5 true and correct to the best of your belief?

6 A. (No answer.)

7 JUDGE ALBERS: Mr. Barnhard is cutting out
8 there.

9 A. I did say yes to the first question. To
10 the most recent question, there were some errors
11 made in the original filing and they have been
12 corrected in a supplemental Exhibit 1.1.

13 Q. Mr. Barnhard, do you have before you what
14 is marked as Mt. Carmel Supplemental Exhibit 1.1?

15 A. That is correct.

16 Q. And did you also prepare that supplemental
17 direct testimony?

18 A. I did that with the good assistance of the
19 staff.

20 Q. And is the information contained in Exhibit
21 1.1 true and correct to the best of your knowledge
22 and belief?

1 A. That is correct to the best of my knowledge
2 and belief.

3 MR. BRAMLET: Your Honor, we would ask for
4 admission of Mt. Carmel Exhibits 1.0 and 1.1 to the
5 direct and supplemental direct testimony of Philip
6 Barnhard.

7 JUDGE ALBERS: Why don't you go ahead and
8 address your notice of publication as well?

9 BY MR. BRAMLET:

10 Q. Okay. Mr. Barnhard, do you have in front
11 of you what has been marked as Mt. Carmel Exhibit
12 2.0?

13 A. Yes.

14 Q. And does that purport to be copies of the
15 public notice which was published in the newspaper
16 of general circulation and of the notice that was
17 put in the office of Mt. Carmel Public Utility
18 Company?

19 A. That is correct.

20 Q. And these notices were in fact published in
21 the local newspapers?

22 A. They were and they are also posted in the

1 office.

2 MR. BRAMLET: We would move for admission of
3 Mt. Carmel Exhibit 2.0 as well as 1.0 and 1.1.

4 JUDGE ALBERS: Any objection?

5 MR. VOSS: No.

6 JUDGE ALBERS: So hearing nothing, the exhibits
7 1.0, 1.1 and 2.0 are admitted.

8 (Whereupon Mt. Carmel
9 Exhibits 1.0, 1.1 and
10 2.0 were admitted into
11 evidence.)

12 MR. BRAMLET: And, Mr. Albers, we would tender
13 Mr. Barnhard for cross examination.

14 JUDGE ALBERS: One question, Exhibit 1.0 and
15 1.1 are both on e-Docket?

16 MR. BRAMLET: Yes, that is correct.

17 JUDGE ALBERS: And Exhibit 2.0 is not, correct?

18 MR. BRAMLET: Correct.

19 JUDGE ALBERS: Thank you. Does Staff have any
20 questions for Mr. Barnhard?

21 MR. VOSS: I have no questions.

22 MR. MAPLE: I have no questions.

1 JUDGE ALBERS: I don't have any either. Thank
2 you, sir.

3 MR. BARNHARD: Thank you.

4 JUDGE ALBERS: Mr. Bramlet, do you have
5 anything further from the Company?

6 MR. BRAMLET: We have nothing further at this
7 time.

8 JUDGE ALBERS: Thank you. Mr. Voss or
9 Mr. Maple, which of you would like to go first?

10 MR. VOSS: I will go first. Judge Albers, I
11 would like to introduce into evidence my direct
12 testimony, ICC Staff Exhibit 1.0. It consists of
13 three pages of narrative testimony in question and
14 answer format.

15 JUDGE ALBERS: And if asked the same questions
16 today, would you give the same answers?

17 MR. VOSS: Yes, I would.

18 JUDGE ALBERS: Is there any objection to the
19 admission of Mr. Voss's testimony marked as Staff
20 Exhibit 1?

21 MR. BRAMLET: No, there is not.

22 JUDGE ALBERS: Staff Exhibit 1 is admitted.

1 (Whereupon ICC Staff
2 Exhibit 1.0 was
3 admitted into
4 evidence.)

5 JUDGE ALBERS: Mr. Bramlet, do you have any
6 questions for Mr. Voss?

7 MR. BRAMLET: I do not have, no.

8 JUDGE ALBERS: I don't have any either. Thank
9 you, Mr. Voss. Did you have anything further?

10 MR. VOSS: No, I have nothing further.

11 JUDGE ALBERS: Mr. Maple?

12 MR. MAPLE: Thank you, Judge. I am an Energy
13 Engineer in the Energy Department of the Illinois
14 Commerce Commission. I am presenting Staff Exhibit
15 2.0 entitled Direct Testimony of Mark Maple which
16 was filed on e-Docket December 21, 2004. It
17 consists of a cover page and four pages of written
18 testimony. If I were asked the same questions
19 today, the answers would be the same. I have no
20 changes, additions or modifications to this exhibit.
21 I am offering Staff Exhibit 2.0 for admittance into
22 the record in this proceeding.

1 JUDGE ALBERS: Any objection?

2 MR. BRAMLET: No.

3 JUDGE ALBERS: Staff Exhibit 2.0 is admitted.

4 (Whereupon ICC Staff
5 Exhibit 2.0 was
6 admitted into
7 evidence.)

8 JUDGE ALBERS: Did you have any questions for
9 Mr. Maple?

10 MR. BRAMLET: No, I do not have.

11 JUDGE ALBERS: I don't have any either. Do you
12 have anything further, Mr. Maple?

13 MR. MAPLE: No.

14 JUDGE ALBERS: Thank you then. I am not aware
15 of anything else that needs to be placed into the
16 record. Does anyone have any other comments or
17 statements for the record?

18 MR. BRAMLET: No, Your Honor.

19 JUDGE ALBERS: I would ask -- well, I assume at
20 this point since it appears all of the issues are
21 settled, there is nothing for briefs, there is no
22 contested issues, is that correct?

1 MR. MAPLE: That's correct.

2 JUDGE ALBERS: There is no contested issues,
3 you would agree, Mr. Bramlet?

4 MR. BRAMLET: Yes, that is correct.

5 JUDGE ALBERS: One other matter, as far as a
6 draft order I was going to ask Mr. Bramlet would you
7 be willing to provide a draft order?

8 MR. BRAMLET: That would be fine.

9 JUDGE ALBERS: I assume that's something Staff
10 would like to look at before...

11 MR. VOSS: Yes.

12 JUDGE ALBERS: ..having it filed. Okay. Just
13 looking at the calendar, is there any particular --
14 just generally is there a time line, Mr. Bramlet
15 that you think you would be able to have that ready
16 by?

17 MR. BRAMLET: I don't have my calendar in front
18 of me but a week from this Friday would be fine. I
19 can have it to the Staff and have it to you the week
20 following that.

21 JUDGE ALBERS: The end of the month to me?

22 MR. BRAMLET: Yeah, that's fine.

1 JUDGE ALBERS: That's fine. Would that work
2 with Staff's schedule?

3 MR. MAPLE: Yes.

4 JUDGE ALBERS: All right. Then I will look for
5 a draft order by January 31. And if there is
6 nothing further, I will go ahead and mark the record
7 heard and taken. All right. Thank you, everyone.

8 HEARD AND TAKEN

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